



POLICE DEPARTMENT

In the Matter of the Disciplinary Proceedings : X

- against - : FINAL

Police Officer Charles Carlino : ORDER

Tax Registry No. 941502 : OF

Brooklyn Court Section : DISMISSAL X

Police Officer Charles Carlino, Tax Registry No. 941502, having been served with written notice, has been tried on written Charges and Specifications numbered 2021-24404 and 2022-27440, as set forth on form P.D. 468-121, dated December 8, 2021 and November 10, 2022 (last amended May 10, 2023) respectively, and after a review of the entire record, Respondent is found Guilty on all counts.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Charles Carlino from the Police Service of the City of New York.

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER

EFFECTIVE: 1/15/24

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POLICE DEPARTMENT

November 29, 2023

-----X-----
In the Matter of the Charges and Specifications : Case Nos.
- against - : 2021-24404
Police Officer Charles Carlino : 2022-27440
Tax Registry No. 941502 :
Brooklyn Court Section :
-----X-----

At: Police Headquarters
One Police Plaza
New York, NY 10038

Before: Honorable Jeff S. Adler
Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department: Lauren Silverstein, Esq.
Department Advocate's Office
One Police Plaza, Room 402
New York, NY 10038

For the Respondent: Peter Brill, Esq.
Brill Legal Group, P.C.
176 Lexington Avenue, Suite O
New York, NY 10016

To:

HONORABLE EDWARD A. CABAN
POLICE COMMISSIONER
ONE POLICE PLAZA
NEW YORK, NY 10038

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CHARGES AND SPECIFICATIONS

Disciplinary Case No. 2021-24404

1. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about December 3, 2021, in Bethlehem, Pennsylvania, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer wrongfully refused to leave a location after having been directed or ordered to do so.

A.G. 304-06

PROHIBITED CONDUCT
GENERAL REGULATIONS

2. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about December 3, 2021, in Bethlehem, Pennsylvania, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer was involved in a physical altercation [REDACTED]
[REDACTED] City of Bethlehem Police Department Police Officers.

A.G. 304-06

PROHIBITED CONDUCT
GENERAL REGULATIONS

3. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about December 3, 2021, in Bethlehem, Pennsylvania, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer refused or neglected to follow the directions of City of Bethlehem Police Department Police Officers.

A.G. 304-06

PROHIBITED CONDUCT
GENERAL REGULATIONS

4. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about December 3, 2021, in Bethlehem, Pennsylvania, wrongfully engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer was under the influence of alcohol in a public place.

A.G. 304-06

PROHIBITED CONDUCT
GENERAL REGULATIONS

Disciplinary Case No. 2022-27440

1. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about November 8, 2022, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Carlino engaged in a physical altercation with a person known to the Department.

A.G. 304-06, Page 1, Para. 1

PROHIBITED CONDUCT

2. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about November 8, 2022, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Carlino knowingly acted in a manner that was injurious to the physical, mental or moral welfare of a child less than seventeen years old, who is known to the Department.

A.G. 304-06, Page 1, Para. 1

PROHIBITED CONDUCT

N.Y. Penal Law § 260.10

ENDANGERING THE
WELFARE OF A CHILD

3. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about December 2019, with intent to cause physical injury, caused physical injury to a person known to the Department. *(As added)*

N.Y. Penal Law § 120.00(1)

ASSAULT IN THE
THIRD DEGREE

4. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about December 2020, with intent to impede the normal breathing or circulation of the blood of another person, Police Officer Carlino applied pressure on the throat or neck of a person known to the Department. *(As added)*

N.Y. Penal Law § 121.11

CRIMINAL OBSTRUCTION
OF BREATHING OR
BLOOD CIRCULATION

5. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about April 22, 2022, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Carlino engaged in a physical altercation with a person known to the Department.

A.G. 304-06, Page 1, Para. 1

PROHIBITED CONDUCT

6. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about October 2022, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Carlino engaged in a physical altercation with a person known to the Department. *(As added)*

A.G. 304-06, Page 1, Para. 1

PROHIBITED CONDUCT

7. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about Fall of 2021, with intent to cause physical injury, caused physical injury to a person known to the Department. *(As added)*

N.Y. Penal Law § 120.00(1)

ASSAULT IN THE
THIRD DEGREE

8. Said Police Officer Charles Carlino, while off-duty and assigned to the 121 Precinct, on or about February 2022, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer Carlino engaged in a physical altercation with a person known to the Department.

A.G. 304-06, Page 1, Para. 1

PROHIBITED CONDUCT

9. Said Police Officer Charles Carlino, while on duty and assigned to Brooklyn Court Section, on or about March 15, 2023, impeded an official Department investigation by making false statements during his official Department interview. *(As added)*

A.G. 304-10, Pages 1-2, Paras. 1, 4

PROHIBITED CONDUCT

REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on September 18 and 22, and October 20, 2023. In Disciplinary Case No. 2021-24404, Respondent, through his counsel, entered a plea of Guilty to Specifications 1-3, and Not Guilty to Specification 4. In Disciplinary Case No. 2022-27440, Respondent pleaded Not Guilty to each of the charges against him. The Department called **Complainant** and two officers from the Bethlehem, Pennsylvania Police Department, Detective Jonathan Glick and Police Officer Brian Kovacs, as witnesses. Respondent called his daughter Kayla Carlino as a witness, and testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having evaluated all of the evidence in this matter, I find Respondent Guilty on all counts, and recommend a penalty of Termination from the Department.

ANALYSIS

On November 9, 2022, **Complainant** filed a complaint with the 122 Precinct alleging that Respondent, her boyfriend for three-and-one-half years, had physically assaulted her the day before inside their Staten Island home. In her statement to police, **Complainant** also made

additional accusations of prior abuse she suffered at the hands of Respondent, dating back to December 2019. The alleged incidents will be considered separately below. It also is charged that in a separate off-duty matter that occurred on December 3, 2021, Respondent, who was intoxicated, was involved in a physical altercation with members of the Bethlehem, Pennsylvania Police Department. That case will be considered separately as well.

Disciplinary Case No. 2022-27440

Respondent faces nine charges in connection with this matter. Complainant testified regarding multiple instances where Respondent physically abused her over a three-year period. In addition to her testimony, Complainant produced photographs of some of her injuries. More significantly, she produced text messages between her and Respondent following several of the incidents, in which Respondent admitted his wrongdoing and apologized for his actions.

Respondent denies each of the accusations, claiming that Complainant fabricated her testimony and is not trustworthy. Respondent points to her uncertainty regarding the dates of certain incidents, and notes that she did not file a police report until November 2022, even though she claims that Respondent's abusive behavior began in late 2019. He also contends that some of the bad acts attributed to him actually were done by Complainant's former spouse. Respondent further suggests that some of what occurred between he and Complainant was part of their BDSM role playing, and that the texts messages in which he appeared to apologize for his actions should be viewed in that context.

After carefully reviewing the evidence, I credit Complainant's account of what transpired, and am not persuaded by Respondent's arguments to the contrary. Complainant appeared at trial and, in contrast with Respondent, she came across as forthright on the witness stand as she answered questions about her relationship with Respondent. She testified in a detailed,

consistent, logical manner regarding multiple instances of physical abuse she suffered at the hands of Respondent, and I reject Respondent's self-serving attempt to pass responsibility for some of his violent behavior onto Complainant's ex-husband. Complainant candidly acknowledged some uncertainty as to the precise dates of some of the incidents, but the specificity with which she described each of these incidents reinforced the reliability of her testimony. Complainant also credibly explained that the reason she did not report Respondent earlier is that he repeatedly dissuaded her from doing so, because he was afraid of losing his job. Further, in one text exchange that will be discussed below (Dept. Ex. 2F), Respondent specifically stated that the police would not believe her if she came forward with her accusation.

In her testimony, Complainant acknowledged that things were great between them early in their relationship. She did not exaggerate or embellish the length or scope of the attacks that began late in 2019, or the injuries she suffered at his hands. There was no evidence indicating that Complainant had a motive to fabricate these allegations of physical abuse, or that she had anything to gain from doing so.

Complainant confirmed that there was a BDSM component to their relationship, but I credit her compelling testimony that none of the incidents described at trial were part of a consensual role-playing scenario. (Tr. 88-92, 113-18) Moreover, the text messages sent by Respondent to Complainant following several of these incidents, in which he acknowledged and apologized for his behavior, convincingly supported Complainant's testimony that Respondent's violent acts toward her were not consensual. These texts, whose authenticity was not challenged by Respondent, provided compelling corroboration of the physical abuse she suffered at the hands of Respondent. I reject as incredible and illogical Respondent's suggestion that the apology texts he sent were part of the role-playing between them. Indeed, a list of BDSM rules prepared by

Respondent for [Complainant] (Resp. Ex. D) say nothing about false apologies being part of their role playing. Rather, these text messages were significant confirmation that Respondent had, in fact, engaged in the various acts of physical abuse described by [Complainant]

With that in mind, we turn to the evidence regarding each of the incidents, which will be considered in roughly chronological order.

Incident in or about December 2019 (Specification 3)

[Complainant] testified that when she and Respondent began dating in May 2019, things were “great” between them, and she was “head over heels” for him. However, his behavior toward her slowly began to change, as he became more controlling regarding her whereabouts, who she was with, and what she was doing. He “pushed her around” a couple of times, and things became progressively worse from there, with repeated instances of verbal, physical, and mental abuse. (Tr. 36-37, 100-01)

One such incident occurred at a precinct Christmas party in Staten Island in December 2019. [Complainant] testified that they both were intoxicated that night. At some point, Respondent became upset with her for smoking outside with somebody. He screamed at her, accused her of flirting too much, and called her a slut and a whore. She testified that they left the party, and on the way to their car, Respondent pulled her hair and bashed her head against a fence multiple times. He grabbed [Complainant] and “chucked her” inside the car, where he continued to scream at her. Several minutes into the drive, as the car was moving slowly, he pushed her out of the vehicle, and she landed hard on her rear end. Respondent initially drove off, but then returned and drove home with [Complainant]. As a result of Respondent’s actions, [Complainant] suffered soreness to her head and behind for several days. (Tr. 37-41, 122-23)

According to [Complainant] the day after this incident, Respondent apologized to her via text messages. In that exchange (Dept. Ex. 2A), Respondent wrote, "First I want to apologize about last night. I'm sorry for how the night ended, it was not good how it all went down. I drank too much, I should have never done any of those things. I hope your head and legs are feeling better." [Complainant] responded that it was completely wrong of him to bash her into the fence and throw her out of the car, and Respondent reiterated that he was drunk, and was sorry he made her head bleed, even though he didn't remember doing that. He then asked for her forgiveness, and wrote, "Please don't leave me." (Tr. 41-43, 108-09)

Respondent testified that at the party, [Complainant] who was intoxicated, fabricated a story to other partygoers in order to be the center of attention. He and [Complainant] left the party and walked to their car. Respondent denied that he bashed her head into a fence, or that he pushed her out of the car. He claimed that she grabbed the steering wheel as he was driving and left the car voluntarily, even though it was a cold, rainy night in an unfamiliar area. When asked about the apology text (Dept. Ex. 2A) he sent [Complainant] afterward, Respondent explained that he and [Complainant] had a strange relationship, where, at her request, he would often apologize for things he did not really do. He further explained that beginning in 2019 they had a BDSM sexual relationship, for which they drafted up rules of behavior that were at times modified. A 2020 version of the rules he prepared for [Complainant] was admitted as Respondent's Exhibit D; as noted above, the rules do not say anything about fake apologies being part of their role-playing.

According to Respondent, [Complainant] initially wanted Respondent to be the dominant partner, though in 2020 their roles switched with [Complainant] primarily becoming the dominant one, a dynamic that extended to their text exchanges as well. (Tr. 234-39, 246, 251-52, 280-82, 309-22)

Specification 3 charges Respondent with committing Assault in the Third Degree, in that he intentionally caused physical injury to [Complainant] following the Christmas party in December 2019. I credit [Complainant's] testimony regarding that incident, in which she described how Respondent intentionally pulled her hair and bashed her head against a fence, thereby causing physical injury to her head. He also pushed her out of a slowly moving vehicle, causing additional physical injury to her rear end. The text exchange that followed, in which Respondent specifically apologized for his actions, corroborated [Complainant's] account. As noted above, I reject as incredible Respondent's contention that he only apologized because that is what was expected of him given the nature of their relationship.

The credible evidence has established that Respondent physically assaulted [Complainant] as alleged. Accordingly, I find him Guilty of Specification 3.

Incident on or about December 2020 (Specification 4)

[Complainant] testified that in December 2020, she and Respondent, who lived together, were home when Respondent stated he wanted to have sex with her. She was tired from work and did not want to engage sexually. When she told him no, he became upset, asked her why not, and accused her of hating him. Respondent placed one hand around [Complainant's] neck and choked her; she felt pressure on her neck and experienced pain for a couple of hours after the altercation, though she did not have difficulty breathing. Respondent briefly left the home, but returned a short time later, at which time [Complainant] agreed to have sex, deciding that it was best to just get it over with. She testified that by this time, "sex became a chore" in their relationship. (Tr. 50-52, 110-12)

A photograph taken by [Complainant] the next morning shows redness to the right side of her neck. (Dept. Ex. 3). The day after the incident, Respondent sent her a text message, stating, "I'm

“sorry I hurt you. I know I get out of hand and I shouldn’t put my hands on you.” She answered that his behavior was “insane,” and that he needs therapy. (Dept. Ex. 2B; Tr. 52-55)

Respondent testified that he did not put his hands on Complainant as alleged. When asked about the apology text (Dept. Ex. 2B) he sent the next day, he was unsure as to the context of that text message, but reiterated that he often apologized for things he did not do, and at times she even directed him how to apologize. With respect to the photograph depicting a neck injury (Dept. Ex. 3), Respondent stated that Complainant did not own the necklace she was wearing in the photograph until after December 2020, and therefore the photograph was not relevant to that accusation. He also testified that sometimes they would place their hands around their partner’s neck during sex, which could leave red marks. (Tr. 254-55, 267-68, 338-42)

Specification 4 charges Respondent with Criminal Obstruction of Breathing or Blood Circulation, in that with intent to impede the normal breathing or circulation of the blood, he applied pressure to the throat or neck of Complainant after she refused to have sex with him. I credit Complainant’s testimony that after she told Respondent that she was tired and did not want to have sex, he became upset and placed one hand around Complainant’s neck, and proceeded to choke her for approximately 20 seconds. Although she testified that she did not have trouble breathing, the pressure on her neck did cause her to experience pain for a couple of hours. Complainant

provided a photograph showing redness to the right side of her neck as corroboration for her account, as well as a text exchange between the parties the following day, in which Respondent specifically apologized for putting his hands on Complainant and hurting her.

Again, I find Respondent’s suggestion that this was another instance where he apologized for something he did not do to be incredible. I also reject any suggestion that the injury to Complainant’s neck was the result of consensual sex between them, or that she consented to being

injured by him in this manner. The record has established, by a preponderance of the credible evidence, that Respondent, who was upset at being denied sex, deliberately placed his hand around [Complainants] neck and choked her, with the intention of impeding her normal breathing or blood circulation. Accordingly, I find him Guilty of Specification 4.

Incident on or about the Fall of 2021 (Specification 7)¹

[Complainant] testified that she and Respondent were at an outing with her co-workers at a Manhattan bar named “Barcelona.” Respondent became upset because he believed [Complainant] was flirting, and so she stepped outside to smoke a cigarette. Respondent followed and screamed at her. He then grabbed her face and bit her on her nose. [Complainant] testified that the bite was in a sensitive area and was “pretty painful,” and that she was sore for a couple of days. (Tr. 60-64, 121)

The day after the incident, Respondent sent a text message to [Complainant] stating, “I hated last night, I was so wrong again, I don’t know why I get so mad like that. I’m sorry, forgive me, I just get so jealous when you hang out with people, even if it’s from work. I promise I’ll get better, please forgive me, *I won’t hurt you like that again.*” [Complainant] responded that she loves him, but that he is making it hard for her to stay with him, and that he needs to stop hurting her. (Dept. Ex. 2D; Tr. 62-63)

Respondent testified that he again was unsure of the context in which these text messages were sent, but denied the accusation. He repeated that this could have been another instance of him apologizing for something he did not do. (Tr. 325-27)

¹ Although the specification lists the time of occurrence as “on or about Fall of 2021,” [Complainant] testified that she believed it happened in the winter when it was cold outside, possibly January 2020. Nevertheless, since the details of the incident are distinct, and were provided in the discovery, I find that Respondent received sufficient notice of the accusation.

Specification 7 charges Respondent with committing Assault in the Third Degree in that he grabbed Complainant's face and bit her on her nose outside the bar. I credit Complainant's testimony that Respondent was upset with her because he believed she was flirting with a co-worker, and that during the ensuing argument he bit her on her nose as alleged. The bite was pretty painful since it was in a sensitive area, and she was sore for a couple of days. Her account was corroborated by a text exchange the following day, where Respondent admitted he was wrong, apologized for getting jealous when she hangs out with people from work, and insisted that he would not hurt Complainant like that again.

I reject as illogical Respondent's suggestion that his text messages may have been just another case of his apologizing for something he did not do. The credible evidence has established that Respondent intentionally assaulted Complainant by grabbing her face and biting her nose, thereby causing physical injury. Accordingly, I find Respondent Guilty of Specification 7.

Incident on or about February 2022 (Specification 8)

Complainant testified that in March 2022, she and Respondent had a disagreement while inside their car. Complainant was driving, and Respondent argued with her regarding the route she was taking. During the course of the argument, Respondent punched Complainant in her right leg, causing her a great deal of pain. According to Complainant she was still experiencing pain two weeks later and feared she might have a blood clot. She went to Staten Island University Hospital where she was examined. A copy of Complainant's Medical Records (Dept. Ex. 4C) confirm that she went to the hospital on April 8, 2022, complaining that the bruise on her right thigh was getting darker and more painful. The records state that Complainant reported that she had been punched in the thigh about 10 years ago, though Complainant testified she actually had said 10 days ago. The records also indicate that Complainant reported that she had experienced chronic

bruising in the area for years, but felt that over the past week it had been changing. (Tr. 67-69, 72, 118-19)

Before she went to the hospital, [Complainant] took two photographs depicting the bruising to her leg. (Dept. Exs. 4A & B) She also conferred with an EMT co-worker about her injury, and showed her the photographs. (Tr. 69-71)

Respondent testified that [Complainant] had that bruise on her leg since before they met. He offered into evidence a photograph of [Complainant] in a bathing suit from May 2021 showing the bruise. (Resp. Ex. E) According to Respondent, [Complainant] had told him that her previous husband had caused the injury. When she went to the hospital in April 2022, it was because she said the bruise felt worse and she wanted to have it checked out. (Tr. 256-58)

Respondent's 18-year old daughter, Kayla, similarly testified that she observed the bruise on [Complainant's] leg early in her relationship with Respondent. According to Kayla, [Complainant] had stated that she received the bruise from a previous relationship. Kayla also testified that [Complainant] had informed her that she had once married an individual solely for the purpose of his obtaining a Green Card. (Tr. 215-16, 221-25)

Specification 8 charges Respondent with wrongfully engaging in a physical altercation with [Complainant] in March 2022. I credit [Complainant's] testimony that she and Respondent were arguing inside their car about the route she was taking, and that during the argument Respondent punched her in her right leg, causing a great deal of pain. When the pain persisted two weeks later, she went to the hospital to have her leg checked out, which was confirmed by medical records. She also produced two photographs showing the bruising to her leg.

The defense contended, through the testimony of Respondent and his daughter, as well as a photograph in evidence, that the injury to [Complainant's] leg pre-existed her relationship with

Respondent. The medical records do make reference to her having been punched in the thigh 10 years earlier, and that she had experienced chronic bruising in that area of her leg for years. However, even if there was an initial injury stemming from a prior relationship, that does not negate the credible evidence that in March 2022, Respondent aggravated that condition by punching [Complainant] in the leg as alleged. The record has established that Respondent wrongfully engaged in a physical altercation with [Complainant] and I find him Guilty of Specification 8.

Incident on or about April 2022 (Specification 5)

[Complainant] testified that in April 2022, she was home when Respondent became upset with how she was cooking, and he struck her across her face with a wooden spoon. As a result, her right cheek was sore for a couple of hours. [Complainant's] daughter heard the commotion, but [Complainant] left for work without providing any explanation. Her daughter was upset, and cried to Respondent regarding what had happened. The next day, Respondent sent text messages to [Complainant] telling her he was sorry, and that he loved her. He also made reference to how her daughter had been crying on his shoulders. (Dept. Ex. 2C; Tr. 56-60, 120-21)

Respondent testified that he did not strike [Complainant] with a cooking spoon. When asked about his texts he exchanged with [Complainant] later that day, Respondent explained that he was preparing to go to a party for his friend's son's first birthday, and that [Complainant's] daughter was going to come with him. However, they were "goofing around" before they left, and [Complainant's] daughter, who Respondent described as "sensitive," decided to stay home. Respondent further testified that [Complainant] had once told him about a time where her ex-husband struck her with a cooking spoon because he did not like the way she was preparing sauce. [Complainant] denied having that conversation with him. (Tr. 120, 265-66)

Specification 5 charges Respondent with wrongfully engaging in a physical altercation with Complainant in April 2022, in that he struck her across her face with a wooden spoon. I credit Complainant's testimony that Respondent was upset with how she was cooking, and so he struck her with the spoon as alleged. Her cheek was sore for a couple of hours as a result. Complainant's daughter was upset when her mother left for work without providing any explanation about the commotion, and so she cried to Respondent. The following day, Respondent sent text messages to Complainant saying that he was a fool and was sorry, and also referred to how her daughter had been crying on his shoulder.

In light of Complainant's testimony, and the apology text from Respondent that followed, I reject as incredible Respondent's suggestion that the commotion was instead nothing more than he and Complainant's daughter goofing around, and her deciding to stay home instead of going to a birthday party. I also reject Respondent's contention that he was being blamed for an incident that actually occurred between Complainant and her ex-husband. The record has established, by a preponderance of the credible evidence, that Respondent wrongfully struck Complainant in the face with a spoon, and I find him Guilty of Specification 5.

Incident on or about October 2022 (Specification 6)

Complainant testified that Respondent was out walking their dog. When he returned home, she and Respondent argued, because he was upset that her daughter was outside with a boy. During the course of the argument, Respondent struck Complainant in her back with the dog leash. She stated that she did not suffer any injuries from the incident. Later that same day, Respondent sent a text message to Complainant again apologizing for his actions. He wrote, "I'm an asshole, I don't know how you put up with me, but I'm glad you do." (Dept. Ex. 2E; Tr. 64-66, 109-10)

Respondent denied the accusation. He testified that there were, however, times during sex where he would strike [Complainant] with a leash. (Tr. 266)

Specification 6 charges Respondent with wrongfully engaging in a physical altercation with [Complainant] in October 2022, in that he struck her in the back with a dog leash. I credit [Complainant] testimony that when Respondent returned home from walking the dog, he was upset that [Complainant's] daughter was outside talking with a boy. During the course of their ensuing argument, Respondent struck her across her back with the leash. [Complainant] stated that she did not suffer any injuries as a result of this incident.

Later that day, Respondent texted [Complainant] to apologize for his actions, calling himself an "asshole," and stating he does not know how she puts up with him. In light of [Complainant's] credible account, and the corroborating text messages, I reject any suggestion that Respondent struck [Complainant] with the leash as part of their sexual relationship. The record has established that Respondent wrongfully engaged in a physical altercation with [Complainant] and I find him Guilty of Specification 6.

Incident on or about November 8, 2022 (Specifications 1 & 2)

[Complainant] testified that in the last few months of 2022, their relationship was "very rocky," and they discussed the logistics of how it was going to end. According to [Complainant] Respondent was persistent that he wanted them to stay together, but she was convinced that it was not going to work out between them. She testified that on November 8, 2022, she was upstairs in the bedroom preparing to go out to visit a co-worker when she received a text from a random number. The text showed Respondent receiving "oral favors" from another person. [Complainant] texted Respondent that he was "disgusting" and should stay away from her. Respondent came upstairs to see what was the matter, and they screamed at each other. According to Ms.

Lugo, Respondent pushed her onto the bed, placed his hands around her throat, and choked her.

[Complainant] had difficulty breathing and tried to push him off of her, but he was too big. [Complainant]

[] 14-year-old daughter, who was in the adjoining room and apparently heard her mother screaming, opened the door to her room, and Respondent immediately got off of [Complainant] (Tr. 80-84, 123-27)

Seconds later, the daughter came into the bedroom and asked what was going on. [Complainant]

[] testified that she told her daughter to pack her things because they were leaving. While her daughter was packing, [Complainant] took a photograph showing redness on the right side of her neck. (Dept. Exs. 1A & 1B) She then brought her daughter to the home of a co-worker and informed the co-worker what had occurred. According to [Complainant] her daughter overheard the conversation, and so [Complainant] and her daughter talked about Respondent's behavior. [Complainant] decided that she needed to report what had transpired, and went to the 122 Precinct the following day to do so. [Complainant] testified that in the past, she did not report Respondent, since he had repeatedly told her that he would lose his job if she did so and not be able to provide for the family. (Tr. 83-88, 92-93, 98-99, 124-29, 308)

Respondent confirmed that [Complainant] texted him to "stay the fuck away," though he denied that she received a photograph of him receiving oral sex from someone else. He testified that the reason she became upset was because she saw on his Apple Watch that he had been texting with another woman (*see* text exchange between Respondent and [Complainant] Resp. Ex. G). Respondent went upstairs and they had a "heated" conversation. As [Complainant] who had a broken foot, was laying on the bed with her legs dangling off the edge, Respondent placed his knees on the bed and "hovered" on top of her. Respondent explained that he positioned himself that way because she was not making eye contact with him: "I was just trying to get my point

across, and have a conversation, and tried to solve the situation." He testified that she slapped him one time in his face, and so he placed his hands on her shoulders; he denied that he placed his hands on her neck. Respondent stated that he got off of her and stood up at roughly the same time he heard [Complainant's] daughter, who was in the adjacent room, open her door, though he claimed he did not stand up in response to hearing the door open. The daughter entered their bedroom, and [Complainant] told her to get ready because they were going out; she left with her daughter a short time later. [REDACTED]

[REDACTED]. (Tr. 268-277, 292-304)

Specifications 1 and 2 refer to the events of November 8, 2022, [REDACTED]

[REDACTED] Specification 1 charges Respondent with wrongfully engaging in a physical altercation with [Complainant] in that he choked her while she was lying on the bed, while Specification 2 alleges that he did so while [Complainant's] 14-year-old daughter was in the adjacent room, thereby endangering the welfare of a child. I credit [Complainant's] testimony that in response to her sending a text to Respondent that he should stay away from her, he came upstairs to the bedroom and a screaming argument ensued. Respondent pushed [Complainant] onto the bed, placed his hands around her throat and choked her, causing her to have difficulty breathing. When her daughter could be heard opening the door of the adjoining room, Respondent immediately got off of [Complainant].

[REDACTED] Before leaving, she took photographs showing redness on the right side of her neck.

Respondent conceded that they argued, though he claimed it was because [Complainant] saw that he had been texting with another woman. He also admitted that the argument became physical, in that he positioned himself on the bed hovering over [Complainant] and placed his hands on her shoulders. After carefully considering conflicting accounts of this matter, in conjunction

with the overall evidence, including the corroborating photographs, and Respondent's guilty plea to harassment in criminal court, I credit Complainant's testimony that Respondent did more than merely place his hands on her shoulders: he placed his hands around her throat and choked her, which she reported to the police the following day. Respondent's version of events was merely an attempt to minimize his culpability. The credible evidence has established that Respondent wrongfully engaged in a physical altercation with Complainant. Accordingly, I find him Guilty of Specification 1.

Additionally, I find that Respondent's conduct did endanger the welfare of Complainant's daughter. Even if the daughter did not directly witness Respondent choking her mother, she was in the adjacent room where she was subjected to hearing the screams that were coming from the bedroom. With his actions, Respondent knowingly acted in a manner likely to be injurious to the welfare of a 14-year-old, and I find him Guilty of Specification 2.

Incident on or about 2020-2021 (uncharged offense)²

In addition to the specifically charged offenses discussed above, Complainant testified that sometime in 2020-21, she came home intoxicated after being out with co-workers. While she was in bed, Respondent got on top of her trying to have sex; she told him to stop and fell asleep. When she woke up, she saw that he had left evidence of having "finished the job." (Tr. 74-77, 102)

The following day there was a text exchange between the parties, where they argued over whether what had happened was "rape." The text messages began with Respondent writing, "You think the police will believe you if you tell them I raped you? You're my girlfriend, you

² Although the subject matter of this alleged incident was not charged, Respondent was questioned about it during his official Department interview. As such, evidence of this alleged incident is being considered only with respect to the false statement specification discussed below. (Tr. 77-78)

would look so dumb.” Complainant answered that she was unconscious, but she does remember telling him to stop, and what he did was not okay. She added that he “finished the job” all over her and left her there like that. Respondent conceded that what he did was wrong, but that she cannot say that he raped her “when you kinda remember.” (Dept. Ex. 2F)

Respondent acknowledged sending the text messages. He testified that while they were out, she told him that when they got home they were going to have sex no matter what. He could not recall the details of what happened when they arrived home, but again claimed that he needed to apologize in the text messages and pretend that he did something wrong as part of their role playing scenario. (Tr. 328-335)

False statement charge (Specification 9)

On March 15, 2023, Respondent was questioned at an official Department interview. The recordings of that interview, which was divided into four parts, and the accompanying transcripts, were introduced into evidence. (Dept. Exs. 8E-H & 8A-D)

During the course of the interview, Respondent was questioned about the incidents discussed above. In response to questions put to him in the interview, Respondent stated that the only time he was physical with her was during the November 8, 2022 incident [REDACTED]

[REDACTED] He denied, however, that he put his hands around her neck and applied pressure, claiming instead that he merely placed his hands on her shoulders. (Dept. Ex. 8A at 24, Ex. 8D at 2)

When asked during the interview about the text exchange where they argued over whether the police would believe her if she made a rape complaint against him (Dept. Ex. 2F), Respondent stated that these texts could have been part of a sexual role-playing scenario. (Dept. Ex. 8B at 5) With respect to the accusations that he bashed her head against a fence, and later threw her out of their moving car following an office Christmas party in 2019, Respondent

acknowledged that they argued, but he denied getting physical with her, and claimed she exited the vehicle voluntarily. (Dept. Ex. 8B at 6-7, Ex. 8C at 28, Ex. 8D at 2-3) He denied that he ever hit her in the face with a wooden spoon, or in her back with a dog leash. (Dept. Ex. 8C at 10-11) Respondent was asked about the incident at the bar “Barcelona,” where he allegedly bit Complainant [REDACTED] in the nose; he claimed he could not recall that incident. (Dept. Ex. 8C at 16) He also denied punching her in her leg in early 2022, claiming that she had the bruise on her leg before he met her. (Dept. Ex. 8C at 20-24) When confronted with the various text messages in which he apologized to Complainant Respondent stated that they often apologized to each other for things they did not really do. (Dept. Ex. 8C at 26-27)

At trial, Respondent testified that when he was shown the text messages at his official Department interview, they were displayed out of context, making it difficult for him to speak to the particular incidents in question. He stated that they sometimes exchanged a thousand texts in a day. Respondent also claimed he was too embarrassed at the interview to fully discuss their BDSM relationship. According to Respondent, Complainant was inaccurate regarding the timeframes for some of the texts. Contrary to Complainant's testimony, he claimed that for the first couple of years of their relationship they both had Android phones, until Complainant switched to an Apple, as did Respondent a couple of months later. Similarly, Respondent's daughter Kayla testified that Complainant did not switch from an Android to an Apple phone until June 2021; she presented a text exchange between her and Complainant (Resp. Ex. C) to demonstrate that point. (Tr. 218-21, 225-27, 246-49, 264, 333-36, 342-45)

Specification 9 charges Respondent with impeding an investigation by making false statements during his official Department interview on March 15, 2023. Section 304-10 of the Administrative Guide defines a false statement as “an intentional statement that a member of

service knows to be untrue, which is material to the outcome of an investigation.” Throughout the interview, Respondent was questioned about the specific allegations made by Complainant significant questions that bore directly on the Department’s investigation. In response to those questions, Respondent repeatedly and falsely stated that the only time he was physical with Complainant in a non-consensual way was on November 8, 2022, when he claimed that he merely placed his hands on her shoulders. As discussed above, he provided false narratives regarding several of the altercations.

Additionally, during the interview Respondent was shown multiple text messages he exchanged with Complainant in which he acknowledged and apologized for his actions. Respondent claimed that it was sometimes difficult to identify some of those texts, since not enough context was provided. Even so, that did not justify how Respondent repeatedly and falsely claimed throughout the interview that the text messages he sent to Complainant were merely a case of him apologizing for things he did not really do. Respondent did not merely deny that he was physically abusive toward Complainant he fabricated alternative, self-serving narratives about their interactions.

The credible evidence has established that Respondent impeded the Department’s investigation by making false statements in response to their questions. Accordingly, I find Respondent Guilty of Specification 9.

Disciplinary Case No. 2021-24404

Respondent faces four charges in connection with an off-duty incident in Bethlehem, Pennsylvania that occurred on December 3, 2021. The first three counts allege that inside a concert venue, Respondent wrongfully refused to leave the location when instructed to do so, and

that he became involved in a physical altercation with Bethlehem police officers [REDACTED]

[REDACTED] Respondent has pleaded guilty to those three specifications. The fourth count alleges that Respondent was under the influence of alcohol in public at the time; Respondent has pleaded not guilty to that charge.

Police Officer Brian Kovacs and Detective Jonathan Glick of the Bethlehem Police Department testified that they were contacted by the security staff at the Wind Creek Event Center, which was hosting a concert. Security personnel informed the officers that they needed police assistance to remove Respondent from the venue. According to security, Respondent had walked out of the bar area with an alcoholic beverage, which was against the rules of the location. Rather than place his beverage on a designated table just outside the bar area, where it would be watched by an attendant until he returned, Respondent had proceeded to the restroom with his drink in hand. When security told him that was not allowed, Respondent disregarded their instructions, was hostile and aggressive, and used coarse language toward them. (Tr. 165-67, 187, 196-98, 206)

Upon arrival, Officer Kovacs and Detective Glick spoke with Respondent outside the bathroom. Their interaction was captured by the Body-Worn Camera (“BWC”) of Officer Kovacs. (Resp. Ex. B) The officers testified that they spent approximately 10-15 minutes trying to reason with Respondent, repeatedly informing him that he needed to leave because he had violated the event center’s rule. At first, Respondent was cordial and polite toward the officers, saying that he wanted to apologize to security so he could go back inside to the concert. The officers continued to explain to him that the decision had already been made by the event center, a private business, and that Respondent needed to leave. Despite these directions, Respondent refused to leave. (Tr. 169-72, 188-90, 198-200, 207)

As a result of his refusal to comply, the officers decided to physically eject Respondent from the premises. The officers testified that as Officer Kovacs went to grab Respondent's right arm, Respondent pulled away, swatted his arm back towards the officer, and yelled at them to get off of him. Officer Kovacs brought Respondent to the ground and tried to get his arms behind his back in order to place him in handcuffs. When Respondent, who was on all fours, continued to resist, Detective Glick deployed his TASER two times into Respondent, and the officers were able to gain control of Respondent. (Tr. 172-75, 179, 189-90, 198, 201)

Based on his observations, and his training and experience, Officer Kovacs determined that Respondent was under the influence of an alcohol beverage at the time of this incident. Officer Kovacs testified that Respondent's face was flushed, he was swaying a bit on his feet, and his speech was "thick and slurred." He also was exhibiting "cyclical behavior" in his speech patterns, in that he became fixated on wanting to apologize to the security staff and could not move on in the conversation, even after it had been explained to him multiple times that he needed to leave. Detective Glick reached the same conclusion, testifying that based on his observations, training, and experience as an EMT and working at a detox facility, he believed that Respondent was intoxicated. Respondent had a difficult time understanding, was unsteady on his feet, and had a "sedated facial expression." According to Detective Glick, Respondent's overall appearance was "quite indicative that he was impaired." [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[Complainant] did not witness the interaction between Respondent and the officers, but she was with a female co-worker and Respondent in the time leading up to the incident. She testified that on the way to the event, they stopped at a liquor store and purchased alcohol, which all three drank in route. According to [Complainant] Respondent drank a couple of High Noon Hard Seltzers in the car, and two 24-ounce cans of White Claw Hard Seltzer in the lot. She believed that by the time they entered the venue, they were all “pretty tipsy.” Inside the venue, they each ordered a double Jack and Coke from the bar. She and Respondent argued, and Respondent walked off to the restroom with his drink, which was the last she saw of him [REDACTED] (Tr. 93-97, 102-06)

Respondent testified that he was not intoxicated at the time of his encounter with the Bethlehem police officers. He confirmed that en route to the concert, they stopped and purchased liquor, but he claimed that he was the designated driver and did not have a drink in the car. At the parking lot, he drank a 16-ounce White Claw. Inside the venue, he purchased a “double Jack and Coke” from the bar, some of which he drank. Respondent admitted that he brought his drink with him to the bathroom. According to Respondent, the table outside the bar where he was supposed to leave his drink was unattended, and he did not realize that he was supposed to leave his drink there. On the way to the bathroom, he heard someone, whom he later learned to be a security guard, say, “Hey,” but could not recall whether he cursed at him in response. (Tr. 279, 282-87, 290-91, 346-52)

After he exited the bathroom, the police officers informed him he needed to leave the event center. Respondent testified that he was in shock, and wanted to plead his case to a venue supervisor. He and the officers “went back and forth on the same topic for a very long time.” When the officers went to grab his wrist, Respondent threw his arm up in the air, and a physical

struggle ensued. Respondent acknowledged that looking back, it would have been better for him to have quietly complied with the officers' directions to leave the venue. (Tr. 287-88, 353-58)

Respondent pleaded guilty to Specifications 1-3, for failing to leave the venue as directed, engaging in a physical altercation with the Bethlehem police officers, and refusing to follow their directions. The only count contested by Respondent was Specification 4, alleging that he was wrongfully under the influence of alcohol at the time of the incident.

As Officer Kovacs testified, under the relevant Pennsylvania state statute a person is guilty of public drunkenness when they are "manifestly under the influence of an alcoholic beverage, to the degree that they are considered an annoyance to people in their vicinity, or a danger to themselves or others." (Tr. 184). Both Officer Kovacs and Detective Glick provided credible testimony that from their observations Respondent was under the influence of alcohol, with Detective Glick noting that Respondent's overall appearance was "quite indicative that he was impaired." His behavior during the encounter, as captured on video, further confirms the officers' conclusions. Respondent, himself, admitted to consuming some alcohol; however, based on the testimony of Complainant [REDACTED] he under-reported the amount of alcohol he actually consumed.

Counsel for Respondent correctly notes that Respondent was not charged with being unfit for duty. Nevertheless, it is evident that Respondent's consumption of alcohol impacted his behavior, to an extent that he cursed at security, and persistently and physically resisted the efforts of the police to escort him out of the venue, [REDACTED]. As such, Respondent's public drunkenness was against the good order, efficiency, and discipline of the Department, and I find him Guilty of Specification 4.

PENALTY

In order to determine an appropriate penalty, this tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment history also was examined. *See* 38 RCNY § 15-07. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached memorandum.

Respondent, who was appointed to the Department on July 10, 2006, has been found guilty of multiple acts of domestic violence, as well as additional counts connected to an off-duty incident in Pennsylvania in which he was publicly intoxicated and wrongfully engaged in a physical altercation with police officers. The Department Advocate recommends a penalty of Termination.

The presumptive penalty for one act of Domestic Violence is 30 suspension days, dismissal probation, and counseling. However, Respondent has been found guilty of committing multiple acts of physical violence in which he caused injury to Complainant and the aggravated penalty of Termination is warranted. Over the course of a three-year period, Respondent engaged in an egregious pattern of physical abuse, during which he repeatedly victimized Complainant [REDACTED]

[REDACTED] On several different occasions, he assaulted Complainant in that he choked her, bashed her head into a fence, and bit her nose. He then compounded the situation by making false statements about the incidents during his official Department interview. Additionally, Respondent was involved in a separate off-duty physical altercation with police officers in Pennsylvania, during which he again behaved in a manner that was completely contrary to what is expected of a member of this Department.

Counsel for Respondent correctly notes Respondent's strong record during his 17 years with the Department. Nevertheless, for a UMOS, who is sworn to serve and protect, to engage in such a pattern of violent behavior is appalling, making Respondent's continued employment with the Department untenable. Taking into account the totality of the facts and circumstances in these matters, I recommend that Respondent be DISMISSED from the New York City Police Department.

Respectfully submitted,



Jeff S. Adler
Assistant Deputy Commissioner Trials

APPROVED



JAN 15 2004

EDWARD A. CABAN
POLICE COMMISSIONER



POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: SUMMARY OF EMPLOYMENT RECORD
POLICE OFFICER CHARLES CARLINO
TAX REGISTRY NO. 941502
DISCIPLINARY CASE NOS. 2021-24404 & 2022-27440

Respondent was appointed to the Department on July 10, 2006. On his three most recent annual performance evaluations, he was rated “Exceptional” for 2021 and 2022, and “Exceeds Expectations” for 2020. Respondent has been awarded three medals for Meritorious Police Duty.

Respondent has no formal disciplinary history. In connection with the instant matters, he was suspended without pay from December 3, 2021 through January 2, 2022, and again from November 9, 2022 through December 8, 2022. Additionally, he was placed on Level 2 Discipline Monitoring in January 2022; monitoring remains ongoing.

For your consideration.

Jeff S. Adler
Assistant Deputy Commissioner Trials